

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided

Upon entry of the above amendment, claims 1, 4, 5, 8, 9, and 13 will have been amended and claims 2, 3, 7 and 12 will have been canceled. Accordingly, claims 1, 4, 5, 8-11 and 13-16 are currently pending. Applicant respectfully requests reconsideration of the outstanding objection and rejections and allowance of claims 1, 4, 5, 8-11 and 13-16 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

With respect to the Examiner's statement that a petition to expunge must be filed to remove the improper Information Disclosure Statement filed February 2, 2004, it is noted that the Information Disclosure Statement is not related to the present application. Applicant did not file the Information Disclosure Statement referred to, and the Form PTO-1449 that was forwarded with the Office Action on October 6, 2005 has an incorrect application number on it. Thus, the Information Disclosure Statement is clearly not intended to be part of the present application file. In accordance with MPEP § 724.05 III, where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers, the Office will transfer the papers to the correct application file for which they were intended without the need of a petition. In view of this section of the MPEP and of the telephone contact between the Examiner and Applicant's attorney regarding this

Information Disclosure Statement, it is believed that the IDS should be removed from this file and Applicant respectfully requests that the Examiner remove the improper Information Disclosure Statement and Form PTO-1449 from the file of the present application and inform the Applicant of the removal in the next official communication.

The Examiner has objected to the specification for minor informalities. In particular, the abstract has been objected to at line 5 as "form" should be changed to --from--. In response thereto, the abstract has been amended as suggested by the Examiner. Accordingly, in view of the above noted amendment and remarks, it is believed that the objection to the specification has been overcome, and Applicant respectfully requests reconsideration and withdrawal of the outstanding objection.

The Examiner has rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over JAKOVSKI et al. (U.S. Patent No. 5,788,269) in view of VARCUS et al. (U.S. Patent No. 6,361,067).

Claim 1 has been amended to include the subject matter of claim 7 (and intervening claims 2 and 3). Accordingly, in view of the above noted amendments and remarks, it is believed that the rejection of claims 1-6 under 35 U.S.C. § 103(a) over JAKOVSKI et al. in view of VARCUS et al. has been overcome, and Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

The Examiner has rejected claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over JAKOVSKI et al. in view of VARCUS et al., and further in view

of TAGUCHI et al. (U.S. Patent No. 5,951,038).

Although Applicant does not necessarily agree with the Examiner's rejection of claim 7 on this ground, nevertheless, Applicant has amended independent claim 1 to clearly obviate the above noted ground of rejection in order to expedite prosecution of the present application. In this regard, Applicant notes that JAKOVSKI et al., VARCUS et al., and TAGUCHI et al. fail to teach or suggest the subject matter claimed in amended claim 1. In particular, claim 1 has been amended to include the subject matter of claim 7 (including the intervening claims 2 and 3). Thus, claim 1, as amended, sets forth a passenger air bag system including, inter alia, an air bag housing; an inflator; a cushion; a retainer attached to the air bag housing; a diffuser bag; and a single gas-guiding hole provided on the retainer; "wherein the diffuser bag further comprises:

a main body formed in the shape of a pocket to receive gas;

an inlet part formed at the main body to receive gas introduced into the main body therethrough; and

a gas-discharging opening formed at one side of the main body to discharge gas received in the main body in a prescribed direction;

wherein the main body of the diffuser bag comprises:

an upper panel forming an upper part of the main body; and

a lower panel attached to a lower side of the upper panel by sewing to define a chamber therein together with the upper panel;

wherein the upper panel has a gas-discharging hole formed therein, the lower panel has another gas-discharging hole formed therein, and the gas-

discharging hole of the upper panel corresponds to the gas-discharging hole of the lower panel".

The JAKOVSKI et al. patent discloses an air bag module including a housing, an inflator, a cushion 26, and a retainer 24 with a gas-guiding hole 112. As recognized by the Examiner, the JAKOVSKI et al. patent fails to disclose a diffuser bag fixed to the inlet part of the cushion, as recited in claim 1.

The VARCUS et al. patent is directed to an air bag including a diffuser bag 38. The diffuser bag comprises top and bottom panels 40, 42 that are connected to each other only at certain portions of their peripheries, thus forming lateral outlet openings 46 and forward outlet openings 48. As recognized by the Examiner in the rejection of claims 7-10 under 35 U.S.C. § 103(a) over JAKOVSKI et al. in view of VARCUS et al., and further in view of TAGUCHI et al. '038, the VARCUS et al. patent fails to teach or suggest a diffuser bag having upper and lower panels, each including corresponding gas-discharging holes, as recited in claim 1, as amended. Therefore, the VARCUS et al. patent fails to cure the deficiencies of the JAKOVSKI et al. device, and even assuming, arguendo, that the teachings of JAKOVSKI et al. and VARCUS et al. have been properly combined, Applicant's claimed passenger air bag system would not have resulted from the combined teachings thereof.

The TAGUCHI et al. '038 patent is directed to an air bag system including an inner bag 22 including upper and lower panels 22c, 22d. A first panel 22c includes two through holes 22a, next to each other. A second panel 22d includes one through hole 22b. Ring shaped reinforcing cloths 24 are sewn to each of the

through holes 22a, 22b. As can be seen from viewing figures 10A and 10B, the three through holes 22a, 22b form a triangle, and each through hole is spaced from each other through hole. In other words, the through holes are not aligned with each other and are not corresponding. Further, it is clear from viewing both figures 10A and 10B that the dashed lines shown in figure 10A indicate the ring shaped reinforcing cloths 24; the dashed lines do not indicate additional through holes on the opposite panel. Accordingly, TAGUCHI et al. fails to show a diffuser bag, inter alia, "wherein the main body of the diffuser bag comprises: an upper panel forming an upper part of the main body; and a lower panel attached to a lower side of the upper panel by sewing to define a chamber therein together with the upper panel wherein the upper panel has a gas-discharging hole formed therein, the lower panel has another gas-discharging hole formed therein, and the gas-discharging hole of the upper panel corresponds to the gas-discharging hole of the lower panel", as recited in claim 1, as amended. Therefore, the TAGUCHI et al. '038 patent fails to cure the deficiencies of the JAKOVSKI et al. and VARCUS et al. devices, and even assuming, arguendo, that the teachings of JAKOVSKI et al., VARCUS et al., and TAGUCHI et al. have been properly combined, Applicant's claimed air bag system would not have resulted from the combined teachings thereof.

Further, there is nothing in the cited prior art that would lead one of ordinary skill in the art to make the modification suggested by the Examiner in the rejection of claims 7-10 under 35 U.S.C. § 103(a) over JAKOVSKI et al. in view of VARCUS et al. and further in view of TAGUCHI et al. Thus, the only reason to

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combine the teachings of JAKOVSKI et al., VARCUS et al., and TAGUCHI et al. results from a review of Applicant's disclosure and the application of impermissible hindsight. Accordingly, the rejection of claims 7-10 under 35 U.S.C. § 103(a) over JAKOVSKI et al. in view of VARCUS et al. and further in view of TAGUCHI et al. is improper for all the above reasons and withdrawal thereof is respectfully requested.

The Examiner has rejected claims 11-16 under 35 U.S.C. § 103(a) as being unpatentable over JAKOVSKI et al. in view of VARCUS et al., and further in view of TAGUCHI et al. (U.S. Patent No. 5,951,038) and TAGUCHI et al. (U.S. Patent No. 5,913,535).

Claim 11 depends from claim 1, as amended. Accordingly, in view of the above noted amendments and remarks, it is believed that the rejection of claim 11 under 35 U.S.C. § 103(a) over JAKOVSKI et al. in view of VARCUS et al. and further in view of TAGUCHI et al. '038 and TAGUCHI et al. '535, has been overcome, and Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

Although Applicant does not necessarily agree with the Examiner's rejection of claim 12 on this ground, nevertheless, Applicant has canceled claim 12 without prejudice or disclaimer of the subject matter thereof in order to expedite the prosecution of the present application.

Applicant submits that claims 1, 4, 5, 8-11 and 13-16 are at least patentable for the reasons noted above, and as indicated by the Examiner at Box 6 of the Advisory Action dated July 5, 2006.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection and the rejections, and an early indication of the allowance of claims 1, 4, 5, 8-11 and 13-16.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the proposed amendment is proper for entry since it merely rewrites independent claim 1 to include the limitations of claim 7 and intervening claims 2 and 3, and amends the dependency of claims 4, 5, 8, 9, and 13 to comport with the amendment to claim 1, and it is also submitted that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicant's invention as recited in claims 1, 4, 5, 8-11 and 13-16. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Final Official Action, and allowance of the present amendment and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicant has made a sincere effort to place the present application in condition for allowance and believe that he has now done so.

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Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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